

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 2266 of 2005
Date of decision: 15.12. 2006

Ram Pal and Ors.

.....Petitioners

Versus

Nasib Chand and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

Present: Mr. Sanjay Gupta, Advocate
for the petitioners

Mr. G.S. Jaswal, Advocate
for the respondent

HEMANT GUPTA, J (Oral)

The challenge in the present revision petition is to the order dated 18.02.2005 (Annexure P-5) passed by the learned District Judge, Hoshiarpur, whereby the appeal filed by the defendant No. 1 against the order dated 09.08.2003 (Annexure P-2) passed by the trial Court, granting status quo regarding possession, was set aside while accepting the appeal.

The plaintiff-petitioner filed suit for permanent injunction restraining defendant No. 1 from interfering and dispossessing the plaintiff from the land measuring 11 kanals 14 marlas and land measuring 17 kanals 16 marlas as per the jamabandi, attached with the plaint.

It was the case of the plaintiffs that since the year 1972, when the land was allotted to defendants No. 2 and 3, they were in possession of the land upto 1981 and thereafter, the actual physical possession of the suit land was delivered to Shankar Dass, father of the plaintiffs. Though the said

averments were accepted as correct by Defendants No. 2 and 3 in their written statement, but it has been found by the First Appellate Court that from the revenue record, the possession of defendants No. 2 and 3 is *gair marusi aval* and that of the defendant No.1 is *gair marusi do em* in respect of the land in dispute. It is, thus, found that Defendant No. 1 is in possession under Defendants No. 1 and 2 on batai basis.

It has been found that the proceedings initiated by the plaintiff for correction in the khasra girdawari have remained unsuccessful upto the Court of learned Commissioner, Jalandhar Division, Jalandhar. It is stated by the learned counsel for the respondent that such order has been maintained even by the learned Financial Commissioner.

In the revenue record since the year 1997-98, the Defendant No.1 is recorded as a person in possession as *gair marusi do em* under the Defendants No. 1 and 2, I do not find any illegality or irregularity in the order passed by the learned First Appellate Court, which may warrant any interference by this court in its revisional jurisdiction.

This revision petition is, accordingly, dismissed.

Any observation made herein is only for the purpose of deciding the ad interim injunction application and shall not be taken into consideration while deciding the main case.

(HEMANT GUPTA)
JUDGE

December 15, 2006

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